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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,652	12/12/2001	John J. Janas III	CLCOCO P01AUS	9321
20210	7590	05/23/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			TOMASZEWSKI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,652	Applicant(s) JANAS ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 4/26/2006. Claims 1-20 are pending. Claim 11 has been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, in view of Campbell, for substantially the same reasons given in the previous Office Action.

(A) Claims 1-10 and 12-20 have not been amended and are rejected for the same reasons given in the previous Office Action and incorporated herein.

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(B) Claim 11 has been amended, but remains substantially the same substantively and therefore, is rejected for substantially the same reasons given in the previous Office Action and incorporated herein.

Response to Arguments

4. Applicant's arguments filed 4/26/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

(A) On page 10-11 of the 4/26/2006 response, the Application [*sic*] submits that "Campbell does not teach or suggest at least one support process responsive to user inputs, a patient medical record and guidelines for performing the process operations." Applicant further argues "Campbell also does not teach or suggest a support process executes [*sic*] an interactive dialogue between the medical support process and the user to provide guidance to the user in performing the medical support process according to the guideline and dependent upon the user inputs and the medical record," and Campbell does not teach "a dynamic, interactive processing [*sic*]."

In response, Examiner respectfully disagrees. For example, Campbell teaches a "method...for managing physical exams." Examiner considers a method for managing a physical exam to be an example of at least one support process. Moreover, Campbell

teaches the use of physical exam software that guides the user through a physical exam, prompting the user for input. Examiner considers "prompting the user for input" to meet Applicant's limitation of "responsive to user inputs." Examiner also considers the guidance provided by the physical exam software to meet Applicant's limitation of "guidelines for performing the process operations (i.e., support process) (Campbell: abstract; col. 1, line 49-col. 2, line 42; Fig. 1-14).

As such, Examiner submits that the combined teachings of Joao and Campbell teach all the limitations of claims 1 and 11 of Applicant's application.

(B) On page 11 of the 4/26/2006 response, the Applicant argues that neither Joao nor Campbell, among other things, teaches or suggests, alone or in combination, at least one support process that is responsive to user inputs, a patient medical record and guidelines for performing the process operations, which executes an interactive dialogue between the medical support process and a user to provide guidance to the user in performing the medical support process according to the guidelines and dependent upon the user inputs and the medical record rather than a standard, predetermined set of questions and answers.

Examiner notes that a portion of this argument (i.e., Joao nor Campbell teach "at least one support process...") has been previously addressed above. As per the argument pertaining to the execution of "an interactive dialogue between the medical support process and a user," Examiner notes that Campbell teaches an "*Interactive*

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Method And System For Managing Physical Exams..." (Campbell: Title). Examiner further notes the following passage:

"A software system...including *interactive* software tools for conducting physical exam. The physical exam software guides the user through a physical exam, prompting the user for input and *dynamically* generating context sensitive questions based on prior input." (Campbell: abstract).

As such, Examiner respectfully submits that Campbell does indeed teach the aforementioned limitations of Applicant's application.

(C) On pages 11-12 of the 4/26/2006 response, the Applicant argues, with respect to the dependent claims, a combination of Joao and Campbell does not reasonably teach or suggest the limitations of the dependent claims of the present application. More specifically, Applicant argues neither Joao nor Campbell teach or suggest the following:

- (1) process form fields include process fields containing process calls
invoking corresponding support processes upon corresponding user
inputs to the process fields, as recited in claims 5 and 15;
- (2) support operations include first support processes for invoking second
support processes dependent upon user inputs, as recited in claims 6 and
16;

- (3) a medical support system with a support process for modifying the information displayed in a present process form, as recited in claims 8 and 18; and
- (4) translating between medical terms displayed to and entered by a user and corresponding equivalent but different medical terms employed in the support operations, as recited in claims 10 and 20.

In response, Examiner respectfully disagrees. For example, with respect to (1), Campbell, teaches various process form fields (e.g., Presenting Complaint, Further Description, Preventive Care, various "check" boxes, etc.) pertaining to various exams and associated checklists (i.e., process calls), which a user "checks" (i.e., inputs) to retrieve a specific exam guide (i.e., invoking corresponding support processes), such as, the Abdominal Exam (See Campbell: Fig. 4-6 in particular).

With respect to (2), Campbell teaches operations including specific exam guides (i.e., first support processes), such as, the Abdominal Exam that invokes a particular diagnostic protocol (i.e., second support processes) based upon a user's inputs (See Campbell: Fig. 4-10 in particular).

With respect to (3), Campbell teaches a system for managing a healthcare practice (i.e., a medical support system) that guides users through various exams (i.e., support processes) for modifying the information displayed in a present process form (e.g., tentative diagnosis) (See Campbell: Fig. 3-10 in particular).

With respect to (4), Campbell teaches the display and entry of various abnormal medical observation symptoms by a user (i.e., medical terms displayed to and entered by a user) and then a "translation" into a tentative diagnosis (i.e., a corresponding equivalent but different medical term employed in the support operations) (See Campbell: Fig. 3-10 in particular).

As such, Examiner respectfully submits that Campbell does indeed teach the aforementioned limitations of Applicant's application.

(D) On pages 12-14 of the 4/26/2006 response, Applicant appears to argue Official Notice was taken.

In response, Examiner respectfully submits that NO Official Notice was ever taken and the references to "old and well known" were directed to the relied upon teachings of Joao and Campbell (as reiterated above).

As such, the evidence requested by Applicant is clearly established by the applied prior art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

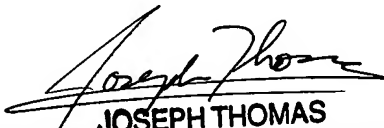
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

A small, stylized handwritten mark, possibly initials, located to the right of the 'MT' text.A handwritten signature in cursive script, appearing to read 'Joseph Thomas', positioned above the printed name.

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER